

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
THOMAS W. CHARRON JR., Individually and as	:	
Trustee of the THOMAS W. CHARRON JR. GRANTOR	:	
RETAINED ANNUITY TRUST DATED JULY 8, 2010	:	No. 1:12-cv-06837-(WHP) (FM)
	:	
Plaintiff,	:	<u>REPORT OF THE</u>
	:	<u>PARTIES' RULE</u>
-against-	:	<u>26(F) DISCOVERY</u>
	:	<u>PLANNING MEETING</u>
SALLYPORT GLOBAL HOLDINGS, INC., et al.,	:	
	:	
Defendants.	X	

I. INTRODUCTION

The parties appearing in this action, Plaintiff Thomas W. Charron Jr., Individually and as Trustee of the Thomas W. Charron Jr. Grantor Retained Annuity Trust Dated July 8, 2010 (“Plaintiff”), Defendant Sallyport Global Holdings, Inc. (“SGHI”), and Defendant JPD Private Trust Company, LTD, as Trustee for the GPD Charitable Trust (“JPD”), jointly submit this proposed discovery plan pursuant to Federal Rule of Civil Procedure 26(f)(3) and this Court’s Order for Initial Pretrial Conference (Docket No. 3), in preparation for the initial scheduling conference on December 14, 2012. In accordance with Rule 26(f), the parties met and conferred by telephone on November 29, 2012, and further met and conferred via written correspondence. The parties’ agreements are set forth below.

II. DISCOVERY PLAN UNDER RULE 26(f)(3)

A. Initial Disclosures Under Rule 26(a)(1)

No changes should be made in the form of the initial disclosures required under Rule 26(a)(1), and the parties shall serve their respective initial disclosures under Rule 26(a)(1) by **December 13, 2012**.

B. Subjects and Timing of Discovery

1. The parties are aware of the need for discovery relating to all claims and defenses arising out of the allegations stated in the complaint.

2. With respect to the commencement of fact discovery: (a) Plaintiff believes that fact discovery should commence immediately following the initial pretrial conference and should be completed no later than **August 1, 2013**; and (b) Defendants believe that fact discovery should commence no earlier than seven days after the court directs the remaining defendants to file an answer and should be completed no later than **August 1, 2013**.

3. With respect to the timing and sequence of fact discovery, the parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York except as expressly modified in this discovery plan.

4. The Plaintiff shall exchange expert witness reports on or before **September 30, 2013**. Defendants shall exchange expert witness reports on or before **October 28, 2013**. Any rebuttal expert witness reports shall be exchanged on or before **November 11, 2013**. Such expert report(s) shall be made in accordance with Rule 26(a)(2)(B). By **December 6, 2013**, all expert depositions must be completed.

5. The parties agree that drafts of expert reports and communications with experts will not be produced or discoverable.

C. Electronically Stored Information

In accordance with Fed. R. Civ. P. 26(f)(3)(C), the parties have begun to confer on the production of electronically stored information and will continue to confer on an agreed-upon production format.

D. Claim of Privilege or of Protection as Attorney Work Product

With respect to privileged information and trial-preparation materials, the parties shall comply with Local Rule 26.2.

E. Protection of Confidential Information

The parties agree that the entry of a protective order will be necessary in this action to protect the confidential information of the parties. The parties have exchanged proposed stipulated protective orders in connection with this and other related litigation, but have been unable to reach an agreement. If the parties continue to be unable to agree on such an order, they will submit their respective proposals to the Court.

F. Limitations on Discovery

Each party shall be limited to a total of 25 interrogatories to each other party.

G. Additional Orders Under Rule 26(c) or Rule 16(b) and (c)

1. The parties do not consent to conducting proceedings before a Magistrate Judge other than discovery related motions.

2. In accordance with Judge Pauley's Individual Practices, Pre-Motion Conference letters outlining anticipated dispositive motions must be served by **January 10, 2014**.

3. The parties anticipate that they will be prepared for trial by **January 24, 2014**.

The parties believe that the trial of this matter can be completed in less than **five (5) days**.

III. POSSIBILITY OF PROMPT SETTLEMENT

The parties have conferred in good faith concerning the possibilities for promptly settling or resolving this case, and agree that settlement as to Plaintiff's claims against Defendants is unlikely at this stage of the litigation. The parties agree to discuss the use of alternative dispute resolution to facilitate resolution of this case after discovery. If the Court orders mediation of this case, the parties request that they be permitted the opportunity to select a private mediator.

Date: December 7, 2012

Respectfully submitted,

By: /s Athanasios Basdekis
Athanasios Basdekis (AB2574)
Brian Glasser (*pro hac vice* forthcoming)
James B. Perrine (*pro hac vice* forthcoming)
209 Capitol Street
Charleston, WV 25301
Telephone: 304.345.6555
Facsimile: 304.342.1110
Email: tbasdekis@baileyglasser.com
Counsel for Plaintiff Thomas W. Charron Jr., Individually and as Trustee of the Thomas W. Charron Jr. Grantor Retained Annuity Trust Dated July 8, 2010

By: /s Anthony D. Boccanfuso
Anthony D. Boccanfuso
Justin S. Antonipillai (*pro hac vice* forthcoming)
555 12th Street, NW
Washington, DC 20004
Telephone: 202.942.5000
Facsimile: 202.942.5999
Email: anthony.boccanfuso@aporter.com
Email: justin.antonipillai@aporter.com
Counsel for Defendant Sallyport Global Holdings, Inc.

By: /s Brian P. Waagner
Brian P. Waagner (admitted *pro hac vice*)
Husch Blackwell, LLP

750 17th Street, NW
Suite 900
Washington, DC 20006
Telephone: 202.378.2355
Facsimile: 202.378.2319
Email: brian.waagner@huschblackwell.com
*Counsel for Defendant JPD Private Trust
Company, LTD, as Trustee for the GPD
Charitable Trust*